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| Montgomery County Fire and Rescue Commission | 02/28/91 |
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Montgomery County Fire and Rescue Commission Regulation on:

MORKERS' COMPENSATION CLAIMS

Issued by: Montgomery County Fire and Rescue Commission Regulation No. 29-90

Authority: Code Section 21-4B(e)(3) Supersedes: No prior regulation

Council Review: Method (2) under Code Section 2A-15 Register Vol. 7, No. 10

Effective Date: February 28, 1991

SUMMARY:

The proposed Workers' Compensation Claims regulation establishes a uniform method for reporting and filing claims for on-duty injuries and occupational diseases sustained by fire and rescue Corporation volunteers and employees, and Department of Fire and Rescue Services volunteers.

DEADLINES:

Montgomery County Register Comment: October 31, 1990 Montgomery County Fire Board Approval: October 31, 1990 Fire and Rescue Corporation Comment: October 31, 1990 Dept. of Fire and Rescue Services Comment: Oct. 31, 1990

ADDRESS:

All comments pertaining to the proposed regulation must be sent to Kevin P. Maloney, Chairman, Montgomery County Fire and Rescue Commission, 12th Floor, 101 Monroe Street,

Rockville, MD 20850.

STAFF:

For further information, you may contact Steve Davis, Executive Director, Montgomery County Fire and Rescue Commission, on 217-2461.

BACKGROUND:

This regulation establishes a procedure for use by all fire and rescue Corporations and the Department of Fire and Rescue Services to report on-duty injuries and occupational diseases sustained by volunteer personnel and Corporation employees. These personnel are covered by the County's

Self-Insurance Program for accidental injury or

occupational disease.



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Sec. 1. Purpose.

To establish guidelines for the completion and submission of Workers' Compensation claims.

Sec. 2. Applicability.

All employees and volunteers of the Corporations and volunteer personnel of the Department.

Sec. 3. Definitions.

- (a) Claims Administrator. For primary insurance, an independent adjuster under contract to the Division of Risk Management, for the Montgomery County Self-Insurance Program. For secondary insurance, an insurance vendor pursuant to a policy administered by the Montgomery County Fire Board.
- (b) <u>Corporation</u>. A fire or rescue <u>Corporation</u> established in the County, authorized to provide fire, rescue, or emergency medical services.
- (c) Department. Department of Fire and Rescue Services.
- (d) <u>Injury</u>. An accidental injury arising out of and in the course of employment or volunteer service with a <u>Corporation</u> or the <u>Department</u>, as defined by the <u>Maryland Workers'</u> Compensation statute and as interpreted by <u>Maryland case law</u>.
- (e) <u>Insurance Administrator</u>. For primary insurance coverage, the <u>Insurance Administrator</u> is the Montgomery County Division of Risk Management, Department of Finance, under the Montgomery County Self-Insurance Program. For secondary coverage, the <u>Insurance Administrator</u> is the Montgomery County Fire Board.
- (f) Occupational Disease. An ailment, disorder, or illness which is the expectable result of working under conditions inherent in employment or volunteer service with a Corporation or the Department, which may arise out of and in the course of employment or volunteer service, as defined by the Maryland Workers' Compensation statute and as interpreted by Maryland case law.



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- (g) On-duty. Any time that personnel are acting in an official capacity on the scene of an emergency incident in Montgomery County, Maryland, on a dispatched Mutual Aid assignment outside of the County, or are en route to or returning from any fire or rescue incident or official activity.
- (h) <u>Personnel</u>. Volunteer members and employees of the Corporations or volunteer personnel with the Department.
- (i) <u>Responsible Corporate Authority</u>. The Corporation Fire Chief or designee.
- (j) <u>Supervisor</u>. The Officer-in-Charge of personnel at any given time, as designated by the Integrated Emergency Command Structure.

Sec. 4. Policy.

It is the policy of Montgomery County that personnel who are unable to work in their current employment due to sustaining an injury or contracting an occupational disease as a result of having provided volunteer fire, rescue, or emergency medical services on behalf of Montgomery County, will be compensated for lost wages in accordance with Maryland's Workers' Compensation statute.

Sec. 5. Procedure.

- (a) All personnel must immediately report to their supervisor any injury or occupational disease or suspected injury or occupational disease sustained while on duty. Subsequently:
 - (1) the supervisor must complete a Supervisor's Incident Investigation Report, a First Report of Injury (Appendices (A) and (B)), and all other applicable forms within his or her area of responsibility. All reports must be submitted to the responsible corporate authority within 48 hours of the injury or onset of occupational disease.



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- (2) the responsible corporate authority must submit the reports to the primary Insurance Administrator within 10 days of the occurrence of the injury or onset of the occupational disease. Copies of the reports must also be sent to the affected individual and placed in his or her personal file.
- (b) If the primary Claims Administrator has reviewed the First Report of Injury and has found an injury or occupational disease to be compensable, the primary Claims Administrator will process all related bills for payment. Lost wages will be paid by the primary Claims Administrator, within the limits established by the Workers' Compensation Commission. Secondary coverage for volunteer members, up to the limits of the policy, will be considered by the secondary Insurance Administrator through a separate claim. This secondary coverage does not apply to employees of the Department.
- (c) If the primary Claims Administrator has reviewed the First Report of Injury for a volunteer member and has determined that a claim is not compensable, copies of the documentation must be sent to the secondary Insurance Administrator for consideration. In addition, affected individual may request a hearing before the State Worker's Compensation Commission for a determination on the compensability of the claim, or any other related issue.
- (d) The following requirements apply to Corporation employees:
 - (1) Corporation employees who lose time from work due to injuries or occupational disease will be charged Sick Leave in accordance with the Fire and Rescue Corporation Personnel Regulations until the Insurance Administrator, the Claims Administrator, or the Workers' Compensation Commission rules on the compensability of the claim.

 Department employees acting as volunteers also will be charged Sick Leave if the Claims Administrator discontinues benefits before the employee returns to work.



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- of Injury and has found the injury or occupational disease of a Corporation employee to be compensable, the individual will be recredited with any Sick Leave charged and placed on disability leave during said period. To recredit sick leave, a memorandum must be sent to the Administration Section, Division of Risk Management, specifying the dates and number of days, the number of hours of each day, and the total number of hours charged. Medical documentation to substantiate the amount of time off must also be attached.
- (3) A Corporation employee who has been awarded a permanent partial disability determination from the Workers' Compensation Commission will be charged Sick Leave for subsequent visits to his or her physician to receive treatment for the compensated injury or occupational disease.
- (e) Personnel who have sustained an injury or contracted an occupational disease must complete and submit a Worker's Compensation Commission Form MP-Cl (Appendix C) to the Workers' Compensation Commission if their recovery requires more than three days off firefighting, rescue, or emergency medical services duty, or off their normal employment. Personnel may file this claim up to two years from the date of filing a First Report of Injury with the Insurance Administrator.
- (f) Personnel who were unable to perform their volunteer duties as a firefighter, rescuer, or provider of emergency medical services as a result of having sustained an injury or having contracted an occupational disease must present certification from their private physician to the responsible corporate authority, attesting that they are fit for duty as a firefighter, rescuer, or emergency medical services provider, before returning to duty following recovery from any job-related injury or occupational disease. If the disability lasts longer than 3 days, they must also obtain certification from the Occupational Medical Section by submitting to a medical examination and providing medical documentation to the



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Occupational Medical Section and the Corporation or the Department, as applicable, certifying that they are fit for duty as a firefighter, rescuer, or emergency medical services provider.

Sec. 6. Responsibility.

- (a) Personnel who are injured or contract an occupational disease, or suspect that they may have been injured or may have contracted an occupational disease while on duty, must report the incident to their supervisor, regardless of how slight the injury or occupational disease may seem. They must also complete and submit the required reports.
- (b) Personnel who sustain an injury or contract an occupational disease must submit relevant information regarding their medical condition to the responsible corporate authority of the Corporation or the Director of the Department, as appropriate.
- (c) Personnel who sustain an injury or contract an occupational disease must inform their physician and/or hospital to send bills directly to the primary Claims Administrator for processing, unless otherwise directed.
- (d) When notified of any injury or occupational disease, or suspected injury or occupational disease, the supervisor must complete the required reports.
 - (1) The supervisor should determine if contributory factors led to the injury or occupational disease and note this on the reports.
 - (2) The supervisor should also note in his or her report whether there were any witnesses to the injury or onset of occupational disease.
 - (3) Department supervisors are required to follow this procedure in completing documentation on volunteer personnel.



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- (e) The Corporations and the Department must submit to the Insurance Administrator any First Report of Injury received on behalf of their respective personnel, regardless of how or where the injury or occupational disease may have occurred.
- (f) All completed reports must be forwarded to the responsible corporate authority of the Corporation, or the Director of the Department, for their respective personnel.
- (g) The responsible corporate authority is not responsible for initiating the claims process. However, the responsible corporate authority must:
 - review all claims of injuries and occupational diseases, adding information as necessary;
 - (2) ensure that reports are completed accurately and legibly; and.
 - (3) forward all documentation to the Insurance Administrator.
- (h) The Corporations and the Department must also notify the Insurance Administrator in writing of any report received and submitted which, in their opinion, is not the responsibility of the Corporation, the Department, or the County.

Sec. 7. Severability.

If a court of final appeal holds that any part of this regulation is invalid, that ruling does not affect the validity of other parts of the regulation.

Sec. 8. Effective Date.

This regulation is effective 30 days after Council adoption or 90 days after Council receipt if the Council takes no action within 60 days of its receipt.



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Sec. 9. Appendices.

(A) Supervisor's Incident Investigation Report
(B) Employee's First Report of Injury_

(C) Workers' Compensation Commission Form MP-C1

Attest:

Fire and Rescue Commission

1546d bm 10/29/90

Approved as to form and legality

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DISCLOSURE PURSUANT TO EXECUTIVE ORDER 01.01.1983.18

- 1. The personal information requested on this form in intended to be used in processing your claim for benefits
- 2. Failure to provide the information requested may result in delay of your claim for benefits.
- 3. You have a right to inspect, amend and correct the information provided on this form pursuant to Sections 1-5 of Article 76A of the Maryland Annotated Code.
- 4. This form will be made part of your claim file and is generally available for public inspection.
- 5. The information contained on this form is routinely shared with State, Federal or local government agencies.

QUESTIONS AND ANSWERS ABOUT MARYLAND WORKERS' COMPENSATION LAW

WHAT IS WORKERS' COMPENSATION?

Workers' Compensation is an insurance program which your employer provides you with medical treatment and partial income replacement benefits and for any permanent disability you may have sustained.

WHO PAYS?

If your claim is found to be compensable, your weekly benefits and all medical bills will be paid by your employer or the insurance company, which represents your employer. Do not send bills to the Workers' Compensation Commission.

HOW LONG DO I HAVE TO WORK TO BE COVERED UNDER WORKERS' COMPENSATION?

You are covered from the first day you are on the job.

W DO I KNOW IF THE COMPANY I WORK FOR OVERED BY WORKERS' COMPENSATION?

in the upper right hand corner of your claim form will be the name of the insurance company covering your employer.

WHEN SHOULD I REPORT THE ACCIDENT?

You should report any accident to your employer immediately. A delay in reporting may affect your claim.

HOW DO I FILE A CLAIM?

If your employer does not have a claim form, the Workers' Compensation Commission will provide you with one and all the necessary information you may need. All forms are provided free of charge.

WHAT DO I DO ABOUT A DOCTOR?

If your employer does not provide a doctor, you may choose your own.

WHO PAYS FOR THE DOCTOR?

Your company will pay for your doctor's visit if the injury was caused by an accident on the job.

WHAT MEDICAL TREATMENT WILL WORKERS' COMPENSATION INSURANCE PAY FOR?

All doctor bills, hospital bills, physical therapy, prescriptions, and necessary expenses are covered by this insurance.

WHEN AM I ENTITLED TO BENEFITS?

You are entitled to benefits if you miss more than three (3) lys from work. If you miss more than 14 days, you will be paid for the first three days, provided your employer did not pay you for any of these days. A claim number is assigned by the Commission and a consideration date is placed on the bottom of the form. The consideration date means we allow your employer or his insurer until that date to raise any objections they may have to your claim.

HOW MUCH WILL MY WEEKLY BENEFITS BE?

You should receive two-thirds of your average weekly wage, but not more than the State's average weekly wage for the year that the accident occurred.

HOW LONG WILL I RECEIVE WEEKLY BENEFITS?

You will receive benefits so long as you are unable to work because of the injury.

WHAT IF MY INJURY PREVENTS ME FROM RETURNING TO MY JOB?

If you are not capable of returning to your job or some other job for which you are qualified, you may be eligible for vocational rehabilitation. Call the Worker's Compensation Commission.

WHAT KIND OF BENEFITS WILL I RECEIVE IF I HAVE PERMANENT DISABILITY?

You will receive weekly benefits based on the type and extent of your permanent disability.

WHAT HAPPENS AFTER I FILE A CLAIM?

If you do not receive any benefits, you may request a hearing before the Workers' Compensation Commission. Your case will be decided by a Commissioner who listens to both sides of the case and determines what benefits if any, you should receive. The Commissioner's decision will be based on the law and facts involved.

DO I HAVE TO HAVE A LAWYER?

You may have an attorney of your choice to represent you, or you may represent yourself. The Commissioner can not be your attorney.

WHO PAYS THE ATTORNEY?

Do not pay money to anyone to assist you with your claim. If you hire a lawyer, the Commission will fix his fee. If an award is made to you, the fee will be deducted from your award and paid separately by the employer or insurance company to the attorney.

WHAT IF I WANT TO HIRE A LAWYER BUT DON'T KNOW ONE?

If you are a resident of Maryland, you may call the Lawyer Referral Service by dialing 539-3112 in Baltimore. You may also check your phone directory for the number of a local lawyer referral service.

THE ABOVE INFORMATION IS INTENDED TO BE ONLY A GENERAL GUIDE ON MARYLAND WORKERS' COMPENSATION.